

House File 333 - Introduced

HOUSE FILE 333

BY SCHULTZ

A BILL FOR

1 An Act reducing scheduled fines related to motor vehicles and
2 transportation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 805.8A, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **805.8A Motor vehicle and transportation scheduled violations.**

4 1. *Parking violations.*

5 a. For parking violations under sections 321.236, 321.239,
6 321.358, 321.360, and 321.361, the scheduled fine is five
7 dollars, except if the local authority has established the
8 fine by ordinance. The scheduled fine for a parking violation
9 pursuant to section 321.236 increases by five dollars if
10 authorized by ordinance and if the parking violation is not
11 paid within thirty days of the date upon which the violation
12 occurred. For purposes of calculating the unsecured appearance
13 bond required under section 805.6, the scheduled fine shall
14 be five dollars, or if the amount of the fine is greater than
15 five dollars, the unsecured appearance bond shall be the amount
16 of the fine established by the local authority. However,
17 violations charged by a city or county upon simple notice of a
18 fine instead of a uniform citation and complaint required by
19 section 321.236, subsection 1, paragraph "b", are not scheduled
20 violations, and this section shall not apply to any offense
21 charged in that manner. For a parking violation under section
22 321.362 or 461A.38, the scheduled fine is ten dollars.

23 b. For a parking violation under section 321L.2A, subsection
24 2, the scheduled fine is twenty dollars.

25 c. For violations under section 321L.2A, subsection 3,
26 sections 321L.3, 321L.4, subsection 2, and section 321L.7, the
27 scheduled fine is one hundred dollars.

28 2. *Title or registration violations.*

29 a. For violations under sections 321.32, 321.34, 321.37,
30 321.38, and 321.41, the scheduled fine is ten dollars.

31 b. For violations under sections 321.17, 321.47, 321.55,
32 321.98, 321.115, and 321.115A, the scheduled fine is thirty
33 dollars.

34 c. For violations under sections 321.25, 321.45, 321.46,
35 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the

1 scheduled fine is fifty dollars.

2 *d.* For a violation under section 321.99, the scheduled fine
3 is one hundred dollars.

4 3. *Equipment violations.*

5 *a.* For violations under sections 321.317, 321.386, 321.387,
6 321.388, 321.389, 321.390, 321.392, 321.393, 321.422, 321.432,
7 321.436, 321.439, 321.440, 321.441, 321.442, and 321.444, the
8 scheduled fine is ten dollars.

9 *b.* For violations under sections 321.382, 321.404A, and
10 321.438, the scheduled fine is fifteen dollars.

11 *c.* For violations of sections 321.383, 321.384, 321.385,
12 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419,
13 321.420, 321.421, 321.423, and 321.433, the scheduled fine is
14 twenty dollars.

15 *d.* For a violation of section 321.430, the scheduled fine
16 is thirty-five dollars.

17 *e.* For violations under sections 321.234A, 321.247, 321.381,
18 and 321.381A, the scheduled fine is fifty dollars.

19 4. *Driver's license violations.*

20 *a.* For violations under sections 321.174A, 321.180,
21 321.180B, 321.193, and 321.194, the scheduled fine is thirty
22 dollars.

23 *b.* For a violation of section 321.216, the scheduled fine
24 is seventy-five dollars.

25 *c.* For violations under sections 321.174, 321.216B,
26 321.216C, 321.219, and 321.220, the scheduled fine is one
27 hundred dollars.

28 *d.* For violations under section 321.178, subsection 2,
29 paragraph "a", subparagraph (2), the scheduled fine is thirty
30 dollars.

31 5. *Speed violations.*

32 *a.* For excessive speed violations in excess of the limit
33 under section 321.236, subsections 5 and 11, sections 321.285,
34 and 461A.36, the scheduled fine shall be the following:

35 (1) Ten dollars for speed not more than five miles per hour

1 in excess of the limit.

2 (2) Twenty dollars for speed greater than five but not more
3 than ten miles per hour in excess of the limit.

4 (3) Thirty dollars for speed greater than ten but not more
5 than fifteen miles per hour in excess of the limit.

6 (4) Forty dollars for speed greater than fifteen but not
7 more than twenty miles per hour in excess of the limit.

8 (5) Forty dollars plus two dollars for each mile per hour of
9 excessive speed over twenty miles per hour over the limit.

10 *b.* Notwithstanding paragraph "a", for excessive speed
11 violations in speed zones greater than fifty-five miles per
12 hour, the scheduled fine shall be:

13 (1) Twenty dollars for speed not more than five miles per
14 hour in excess of the limit.

15 (2) Forty dollars for speed greater than five but not more
16 than ten miles per hour in excess of the limit.

17 (3) Sixty dollars for speed greater than ten but not more
18 than fifteen miles per hour in excess of the limit.

19 (4) Eighty dollars for speed greater than fifteen but not
20 more than twenty miles per hour in excess of the limit.

21 (5) Ninety dollars plus five dollars for each mile per hour
22 of excessive speed over twenty miles per hour over the limit.

23 *c.* Excessive speed in whatever amount by a school bus is
24 not a scheduled violation under any section listed in this
25 subsection.

26 *d.* Excessive speed in conjunction with a violation of
27 section 321.278 is not a scheduled violation, whatever the
28 amount of excess speed.

29 *e.* For a violation under section 321.295, the scheduled fine
30 is thirty dollars.

31 *6. Operating violations.*

32 *a.* For a violation under section 321.236, subsections 3, 4,
33 9, and 12, the scheduled fine is twenty dollars.

34 *b.* For violations under section 321.275, subsections 1
35 through 7, sections 321.277A, 321.315, 321.316, 321.318,

1 321.363, and 321.365, the scheduled fine is twenty-five
2 dollars.

3 *c.* For violations under sections 321.288, 321.297, 321.299,
4 321.303, 321.304, subsections 1 and 2, sections 321.305,
5 321.306, 321.311, 321.312, 321.314, 321.323, 321.340, 321.353,
6 321.354, and 321.395, the scheduled fine is thirty-five
7 dollars.

8 *d.* For violations under sections 321.302 and 321.366, the
9 scheduled fine is fifty dollars.

10 7. *Failure to yield or obey violations.*

11 *a.* For a violation by an operator of a motor vehicle
12 under section 321.257, subsection 2, the scheduled fine is
13 thirty-five dollars.

14 *b.* For violations under sections 321.298, 321.307, 321.308,
15 321.313, 321.319, 321.320, 321.321, 321.327, 321.329, and
16 321.333, the scheduled fine is thirty-five dollars.

17 8. *Traffic sign or signal violations.* For violations
18 under section 321.236, subsections 2 and 6, sections 321.256,
19 321.294, 321.304, subsection 3, and section 321.322, the
20 scheduled fine is thirty-five dollars.

21 9. *Bicycle or pedestrian violations.* For violations by a
22 pedestrian or a bicyclist under section 321.234, subsections
23 3 and 4, section 321.236, subsection 10, section 321.257,
24 subsection 2, section 321.275, subsection 8, section 321.325,
25 321.326, 321.328, 321.331, 321.332, 321.397, or 321.434, the
26 scheduled fine is fifteen dollars.

27 9A. *Electric personal assistive mobility device*
28 *violations.* For violations under section 321.235A, the
29 scheduled fine is fifteen dollars.

30 10. *School bus violations.* For violations by an operator of
31 a school bus under sections 321.285 and 321.372, subsections
32 1 and 2, the scheduled fine is one hundred dollars. However,
33 an excessive speed violation by a school bus of more than
34 ten miles per hour in excess of the limit is not a scheduled
35 violation.

1 11. *Emergency vehicle violations.*

2 a. For violations under sections 321.231, 321.367, and
3 321.368, the scheduled fine is thirty-five dollars.

4 b. For a violation under section 321.323A or 321.324, the
5 scheduled fine is fifty dollars.

6 12. *Restrictions on vehicles.*

7 a. For violations under sections 321.309, 321.310, 321.394,
8 321.461, and 321.462, the scheduled fine is twenty-five
9 dollars.

10 b. For violations under section 321.437, the scheduled fine
11 is twenty-five dollars.

12 c. For height, length, width, and load violations under
13 sections 321.454, 321.455, 321.456, 321.457, and 321.458, the
14 scheduled fine is one hundred dollars.

15 d. For violations under section 321.466, the scheduled fine
16 is twenty dollars for each two thousand pounds or fraction
17 thereof of overweight.

18 e. (1) Violations of the schedule of axle and tandem axle
19 and gross or group of axle weight violations in section 321.463
20 shall be scheduled violations subject to the provisions,
21 procedures, and exceptions contained in sections 805.6 through
22 805.11, irrespective of the amount of the fine under that
23 schedule.

24 (a) Violations of the schedule of weight violations shall be
25 chargeable, where the fine charged does not exceed one thousand
26 dollars, only by uniform citation and complaint.

27 (b) Violations of the schedule of weight violations, where
28 the fine charged exceeds one thousand dollars shall, when the
29 violation is admitted and section 805.9 applies, be chargeable
30 upon uniform citation and complaint, indictment, or county
31 attorney's information, but otherwise shall be chargeable only
32 upon indictment or county attorney's information.

33 (2) In all cases of charges under the schedule of weight
34 violations, the charge shall specify the amount of fine charged
35 under the schedule. Where a defendant is convicted and the

1 fine under the foregoing schedule of weight violations exceeds
2 one thousand dollars, the conviction shall be of an indictable
3 offense although section 805.9 is employed and whether the
4 violation is charged upon uniform citation and complaint,
5 indictment, or county attorney's information.

6 *f.* For a violation under section 321E.16, other than the
7 provisions relating to weight, the scheduled fine is one
8 hundred dollars.

9 13. *Motor carrier violations.*

10 *a.* For violations under sections 321.54, 326.22, and 326.23,
11 the scheduled fine is twenty dollars.

12 *b.* For a violation under section 321.449, the scheduled fine
13 is twenty-five dollars.

14 *c.* For violations under sections 321.364, 321.450, 321.460,
15 and 452A.52, the scheduled fine is one hundred dollars.

16 *d.* For violations of section 325A.3, subsection 5, or
17 section 325A.8, the scheduled fine is fifty dollars.

18 *e.* For violations of chapter 325A, other than a violation of
19 section 325A.3, subsection 5, or section 325A.8, the scheduled
20 fine is two hundred fifty dollars.

21 *f.* For violations of section 327B.1, subsection 1 or 3, the
22 scheduled fine is two hundred fifty dollars.

23 14. *Miscellaneous violations.*

24 *a. Failure to obey a peace officer.* For a violation under
25 section 321.229, the scheduled fine is thirty-five dollars.

26 *b. Abandoning a motor vehicle.* For a violation under
27 section 321.91, the scheduled fine is one hundred dollars.

28 *c. Seat belt or restraint violations.* For violations under
29 sections 321.445 and 321.446, the scheduled fine is twenty-five
30 dollars.

31 *d. Litter and debris violations.* For violations under
32 sections 321.369 and 321.370, the scheduled fine is seventy
33 dollars.

34 *e. Open container violations.* For violations under sections
35 321.284 and 321.284A, the scheduled fine is one hundred

1 dollars.

2 *f. Proof of financial responsibility.* If, in connection with
3 a motor vehicle accident, a person is charged and found guilty
4 of a violation of section 321.20B, subsection 1, the scheduled
5 fine is five hundred dollars; otherwise, the scheduled fine for
6 a violation of section 321.20B, subsection 1, is two hundred
7 fifty dollars. Notwithstanding section 805.12, fines collected
8 pursuant to this paragraph shall be submitted to the state
9 court administrator and distributed fifty percent to the victim
10 compensation fund established in section 915.94, twenty-five
11 percent to the county in which such fine is imposed, and
12 twenty-five percent to the general fund of the state.

13 *g. Radar-jamming devices.* For a violation under section
14 321.232, the scheduled fine is fifty dollars.

15 *h. Railroad crossing violations.*

16 (1) For violations under sections 321.341, 321.342,
17 321.343, and 321.344, the scheduled fine is one hundred
18 dollars.

19 (2) For a violation under section 321.344B, the scheduled
20 fine is two hundred dollars.

21 *i. Road work zone violations.* The scheduled fine for any
22 moving traffic violation under chapter 321, as provided in
23 this section, shall be doubled if the violation occurs within
24 any road work zone, as defined in section 321.1. However,
25 notwithstanding subsection 5, the scheduled fine for violating
26 the speed limit in a road work zone is as follows:

27 (1) One hundred fifty dollars for speed not more than ten
28 miles per hour over the posted speed limit.

29 (2) Three hundred dollars for speed greater than ten but not
30 more than twenty miles per hour over the posted speed limit.

31 (3) Five hundred dollars for speed greater than twenty but
32 not more than twenty-five miles per hour over the posted speed
33 limit.

34 (4) One thousand dollars for speed greater than twenty-five
35 miles per hour over the posted speed limit.

1 *j. Vehicle component parts records violations.* For
2 violations under section 321.95, the scheduled fine is fifty
3 dollars.

4 *k. Actions against a person on a bicycle.* For violations
5 under section 321.281, the scheduled fine is two hundred fifty
6 dollars.

7 *l. Text messaging while driving violations.* For violations
8 under section 321.276, the scheduled fine is thirty dollars.

9

EXPLANATION

10 This bill restores the scheduled fine amounts to the amounts
11 established prior to the enactment of 2010 Iowa Acts, chapter
12 1190 (SF 2378) which increased the fines.

13 The bill strikes a duplicative fine amount for a violation
14 of Code section 321.437 (mirrors) that existed prior to the
15 enactment of Senate File 2378, and establishes the fine at \$25.

16 The bill also adds the following scheduled violations
17 and fines enacted during the 2010 legislative session: \$30
18 scheduled fine for use of an electronic communication device
19 while on a restricted license (Code section 321.178), \$30
20 scheduled fine for text messaging while driving (Code section
21 321.276), and a \$250 scheduled fine for actions against a
22 person on a bicycle (Code section 321.281).

23 The bill does not modify the changes made during the 2011
24 and 2012 legislative sessions to Code section 805.8A(13)(f)
25 which relate to carriers operating an interstate transportation
26 service for compensation upon the highways of this state.

27 The bill also does not modify the changes made during the
28 2012 legislative session to Code section 805.8A(10) relating to
29 school bus safety.